

CLERK'S COPY

163

537028

Index Volume
TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1942

No. 246

CHARLES CORYELL, ET AL., PETITIONERS,

vs.

JOHN S. PHIPPS AND GEORGE J. PILKINGTON

**ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT
OF APPEALS FOR THE FIFTH CIRCUIT**

PETITION FOR CERTIORARI FILED JULY 20, 1942.

CERTIORARI GRANTED OCTOBER 12, 1942.

INDEX VOLUME.
—
TRANSCRIPT OF RECORD

UNITED STATES
CIRCUIT COURT OF APPEALS
FIFTH CIRCUIT.

—
No. 10185
—

CHARLES CORYELL, ET AL.,

Appellants,

versus

JOHN S. PHIPPS and GEORGE J. PILKINGTON,

Appellees.

**Appeal from the District Court of the United States for
the Southern District of Florida.**

(ORIGINAL RECORD RECEIVED DEC. 17/41.)

VOLUME I.

INDEX.

	PAGE
Caption	1
Libel	3
Interrogatories Propounded by Libelants to Respondent John S. Phipps	16
Answer of Respondent, George J. Pilkington to Libel Petition under the 56th Rule in Admiralty of Respondent George J. Pilkington against Respondent John S. Phipps	22
Answer of Respondent, John S. Phipps	30
Answers of Respondent John S. Phipps to Interrogatories propounded by Libelants.	48
Interrogatories Propounded by Respondent, John S. Phipps to Libelants	51
Order granting leave to amend Respondent John S. Phipps' Answer, etc.	54
Amended Answer of John S Phipps, Respondent ...	56
Motion of Libelants for an Order overruling Exceptions of Respondent, John S. Phipps, to certain interrogatories propounded by Libelants, and annexed to their Libel; for leave to Libelants to propound additional Interrogatories, etc. ...	58
Affidavit of Leonard J. Matteson	62
Order on Interrogatories	64
Answers of Respondent, John S. Phipps to Libelants' Amended and Additional Interrogatories	80
Answers of Libelants to Interrogatories Propounded by Respondent John S. Phipps attached to Respondent's Answer	88
Additional Interrogatories propounded by Respondent John S. Phipps to Libelants and Respondent George J. Pilkington	92
Affidavit of R. C. Alley	98
	104

INDEX—Continued

	PAGE
Order requiring Libelants and Respondent George J. Pilkington to Answer Interrogatories	109
Answers of Libelants to the Additional Interrogatories propounded by Respondent, John S. Phipps ...	110
Answers of Respondent, George J. Pilkington to Additional Interrogatories propounded by Respondent, John S. Phipps	117

TRANSCRIPT OF TESTIMONY:

Evidence for Libelants:

Deposition of Carl Holm	124
Carl Holm (Resumed)	180
Colloquy between Court and Counsel	244
Testimony of John Thomas	249
John Thomas (Resumed)	288
J. W. Bryant	311
George Whitting	348
Thomas Joseph Anderson ...	353
William A. Minter	373
Elliott Bryant	408
George J. Pilkington	419
George J. Pilkington (Resumed)	425
George J. Pilkington (Resumed)	478
George J. Pilkington (Resumed)	541
J. F. Riley, Jr.	559
Leslie Tyler Brown	567
Leslie Tyler Brown (Resumed) ...	634
Mrs. George J. Pilkington ...	659
Leslie Tyler Brown (Recalled) ...	693
Benjamin F. McCoy	696

VOLUME II.

III

INDEX—Continued

	PAGE
Transcript of Testimony—(Continued):	
Evidence for Libelants—(Continued):	
Testimony of Benjamin F. McCoy (Resumed)	730
Dr. Robert E. Blount	792
J. N. Patten	810
J. N. Patten (Resumed)	851
J. N. Patten (Resumed)	912
John Thomas (Recalled)	923
Garry Miller	932
J. N. Patten (Recalled)	943
Fred Botts	952
John A. Thompson	961
John A. Thompson (Resumed)	965
J. A. Thompson (Resumed)	1026
J. N. Patten (Resumed)	1087
John A. Thompson (Resumed)	1094
Evidence for Respondent John S. Phipps:	
Testimony of John L. Cody	1097
W. L. Webber	1108
Evidence for Libelants:	
Deposition of E. D. Wright	1126
Ruth E. LaBar	1162
E. D. Wright (Recalled)	1187
Andrew J. Smith	1191
• Evidence for Respondent John S. Phipps:	
Testimony of W. L. Webber (Resumed)	1242
James Benjamin Davis	1249
Ray H. Hawkins	1269
Ray H. Hawkins (Resumed)	1346
Roy H. Hawkins (Resumed)	1405
Roy H. Hawkins (Resumed)	1449

VOLUME III.

iv

INDEX—Continued

	PAGE
Transcript of Testimony—(Continued):	
Evidence for Respondent J. S. Phipps—(Cont'd):	
Testimony of Paul R. Scott	1470
R. A. Alley (Recalled)	1478
James F. Riley, Jr.	1502
James F. Riley, Jr. (Resumed)	1568
Evidence for Respondents:	
Testimony of R. A. Alley (Recalled)	1651
Edward J. Anderson	1658
Evidence for Respondent John S. Phipps:	
Testimony of Edward J. Anderson (Re-	
sumed),	1672
Evidence for Respondents:	
Testimony of James F. Riley, Jr. (Recalled)	1728
Roland A. Schlappi	1731
Evidence for Respondent John S. Phipps:	
Testimony of Roland A. Schlappi (Resumed)	1792
Deposition of Anthony Schinigo	1849
Testimony of Roland A. Schlappi (Resumed)	1873
Evidence for Respondents:	
Testimony of John S. Phipps	1882
John S. Phipps (Resumed) ..	1933
Evidence for Respondent John S. Phipps:	
Testimony of William P. Baker	1968
Capt. William P. Baker (Re-	
sumed)	2006
Allen Simmon	2060
Allen Simmon (Resumed) ..	2093
Allen Simmon (Resumed) ..	2146

INDEX—Continued

PAGE

Transcript of Testimony—(Continued):

Evidence for Respondents:

Testimony of Charles Arthur Weiss, Jr. 2156

Evidence for Respondent John S. Phipps:

Testimony of James F. Riley, Jr., (Resumed) 2201

E. George Bernard 2205

VOLUME IV.

Testimony of E. George Bernard (Resumed) 2253

Wirth Munroe 2275

Wirth Munroe (Resumed) ... 2334

Wirth Munroe (Resumed) ... 2400

Capt. J. W. Bryant (Recalled) 2452

Evidence for Respondents:

Testimony of Wirth Munroe (Recalled) ... 2454

Wirth Munroe (Recalled) ... 2490

Evidence for Respondent John S. Phipps:

Testimony of Wirth Munroe (Resumed) ... 2556

R. C. Alley (Resumed) 2577

George W. Gibbs 2582

George W. Gibbs (Resumed) 2672

George W. Gibbs (Recalled) 2727

Evidence for Libelants (In Rebuttal):

Testimony of J. E. Lawton 2801

Evidence for Respondent John S. Phipps:

Testimony of Roy H. Hawkins (Recalled) .. 2815

George W. Gibbs (Resumed) 2816

INDEX—Continued.

	PAGE
Transcript of Testimony—(Continued):	
Evidence for Respondents:	
Testimony of Wirth Munroe (Recalled) . . .	2850
Exhibit marked #1—Munroe—Correc- tions	2852
Evidence for Libelants (In Rebuttal):	
Testimony of J. N. Patten (Recalled) . . .	2857

VOLUME V.

Testimony of Edward S. Thibault	2914
L. T. Brown. (Recalled)	2952
George F. Klein	2970
David W. Dyer	2986
John A. Thompson (Recalled)	2991
John A. Thompson (Resumed)	3003
John A. Thompson (Resumed)	3046
John A. Thompson (Resumed)	3106
Alfred F. Warriner	3172
C. E. Stevens	3178
John A. Thompson (Recalled)	3191
J. N. Patton (Recalled)	3251
Evidence for Respondent John S. Phipps (In Rebuttal):	
Testimony of George W. Gibbs (Recalled) . . .	3284
George W. Gibbs (Resumed)	3310
George W. Gibbs (Resumed)	3349
George W. Gibbs (Resumed)	3410
Wirth Munroe (Recalled)	3429
Certificate of Ernest L. Bryant, Commissioner, dated 12/8/39	3462

INDEX—Continued

PAGE

Transcript of Testimony—(Continued):

Evidence for Libelants (In Rebuttal):

Deposition of Edward Ellsberg	3464
Ronald R. Nelson	3513
Thomas Hansen	3544
John A. Thompson	3551
Findings of Fact and Conclusions of Law	3582
Order dated 6/19/41 Correcting Findings of Fact and Conclusions of Law	3590
Final Decree, entered 6/19/41	3591
Stipulation and Order dated 9/16/41 Amending Final Decree	3592
Order dated 9/16/41 substituting certain Libelants	3594
Notice Appeal	3595
Petition for Appeal	3596
Order Allowing Appeal	3599
Assignment of Errors	3600
Order extending time to 11/1/41 to file Record	3613
Order further extending time to 12/1/41 to file Record	3613
Order further extending time to 12/20/41 to file Re- cord	3614
Joint Stipulation of Counsel as to settling and cor- recting record and omitting certain exhibits, dated 11/28/41, filed in U. S. District Court ..	3615
Order dated 12/13/41 to transmit certain Original Exhibits to C. C. A.	3640
Motion of Libelants to include in Transcript the peti- tion under the 56th Rule in Admiralty of Re- spondent George J. Pilkington	3640
Order on Motion to include in transcript the petition under the 56th Rule in Admiralty of Respon- dent George J. Pilkington	3641
Clerk's Certificate	3642
Citation	3643

VIII

INDEX—Continued

	PAGE
Proceedings in U. S. C. C. A., Fifth Circuit	3644
Minute entry of argument and submission	3644
Opinion, Holmes, J.	3645
Judgment	3650
Motion and order staying mandate	3651
Clerk's certificate (omitted in printing)	3652
Order allowing certiorari	3653